

REMARKS

Claims 7, 8, 13 and 20 are amended per the Examiner's request to correct informalities.

No new matter is added.

The Examiner rejected claims 1 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,710,772 to Sato. Fig. 5 of Sato does not disclose classifying a received data frame into case 1, case 2 or case 3. These cases represent actions taken by the Radio Base Station in Sato, based on a determination whether a received data frame is a DTX-high (includes speech) or DTX-low (truncated) frame. This determination is performed at block S202. As indicated in Fig. 5, and described in the specification, this determination is made based on the number of bits in the frame:

Uplink signals from the mobile station 30 are processed for reception by the receiver 13 and the demodulator 14 as stated above (step S201). Then, the TDMA processor 16 and the main controller 21 judge whether the uplink signals represent a time slot in an active speech period or one in a silent period (step S202). This judgment is based on whether the data length of the time slot is 324 bits or 68 bits. Thus, if the data length of the time slot is 324 bits, the time slot is an active speech period, or if it is 68 bits, the period is a silent one (See FIGS. 1 (b) and (c)).

col. 6, lines 14-23.

Thus, the classification of the received data frame as being active speech or silent is based entirely on the bit length of the time slot. The classification is not based on a value representing a confidence-weighted correlation between a known bit pattern and data from a position of the frame, as recited in claim 1. Claim 1 thus defines patentably over the art of record. Prompt allowance of all pending claims is respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Edward H. Green, III
Attorney for Applicants
Registration No.: 42,604

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844

Dated: February 28, 2005